

No. EP-M-R-76/17.—In exercise of the powers conferred by sub-section (1) of section 4 of the Punjab Gram Panchayat Act, 1952 (Punjab Act 4 of 1953), and all other powers enabling him in this behalf, the Governor of Haryana hereby declares the village Patohera to be a Sabha area and makes the following amendment in Haryana Government, Development and Panchayat Department notification No. EP-G-71/55, dated 5th June, 1971 :—

AMENDMENT

In the said notification, in the schedule, for item 202, the following items shall be substituted, namely :—

Serial No.	Name (s) of village (s) constituting Sabha area	Tehsil	District
“202	Asalwas ..	Rewari	Mohindergarh
202-A	Patohera ..	Do	Do”

No. EP-M-R-76/18.—In exercise of the powers conferred by section 5 of the Punjab Gram Panchayat Act, 1952 (Punjab Act 4 of 1953), and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following amendments in Haryana Government, Development and Panchayat Department notification No. EP-G-71/56, dated the 5th June, 1971, namely :—

AMENDMENT

In the said notification, in the Schedule, for item 202, the following items shall be substituted, namely :—

Serial No.	Name(s) of village(s) constituting Sabha area	Tehsil	District	Name of Gram Panchayat	No. of Panches	No. of Panches belonging to Scheduled Castes
1	2	3	4	5	6	7
“202	Asalwas	Rewari	Mohindergarh	Asalwas	5	1
202-A	Patohera	Do	Do	Patohera	5	1”

RANJIT ISSAR, Dy. Secy.

PUBLIC WORKS DEPARTMENT
(IRRIGATION BRANCH)

The 10th March, 1976

No. 2429-IPW-I-75/9811.—The Governor of Haryana is pleased to order that under para 2 of Appendix F of the H.S.E. Class I Rules, 1964, the year of allotment of the members of the H.S.E. Class I (Irrigation Branch) will be as given in the Gradation list (as on 1st January, 1976) appended below :—

GRADATION LIST OF OFFICERS OF H.S.E. CLASS I AS ON 1ST JANUARY, 1976

Serial No.	Seniority No.	Name	Source of recruitment	(a) Date of Birth (b) Appointment to the service (c) attaining the age of 50 years (d) Compulsory retirement	Year of allotment	Date of continuous officiation as Executive Engineer	Date of appointment in present grade	Present appointment	Remarks
1	2	3	4	5	6	7	8	9	10
		Sarvshri— A.D. Chowdhri	P	(a) 3-11-18 (b) 2-4-54 (c) 2-11-68 (d) 2-11-76	1945	5-8-51	19-11-68	Chief Engineer, Irrigation, Works, Haryana, Chandigarh	

1	2	3	4	5	6	7	8	10	
2	2	K.S. Pathak	..	P	(a) 2-6-1919 (b) 15-7-54 (c) 1-6-1969 (d) 1-6-1977	1945	25-9-50	22-1-69	Chairman-cum-Managing Director, Water and Power Development Consultancy Service Limited, New Delhi.
3	3	B.K. Uppal	..	P	(a) 30-11-1919 (b) 16-11-1955 (c) 29-11-1969 (d) 29-11-1977	1945	11-6-51	19-10-71	Member (Irrigation), Bhakra Management Board, Nangal
4	4	O.P. Chadha	..	DR	(a) 6-6-1923 (b) 24-12-1946 (c) 5-6-1973 (d) 5-6-1981	1946	4-10-51	14-10-71	Indus Commissioner and Ex-Officio Joint Secretary to Government of India, Ministry of Agriculture and Irrigation, Delhi
5	5	S.P. Malhotra	..	P	(a) 1-1-1920 (b) 5-6-1958 (c) 31-12-1969 (d) 31-12-1977	1946	23-6-52	19-10-71	Additional Chief Engineer, Project-I, I.B.H.O., Chandigarh
6	6	G.P. Dewan	..	P	(a) 17-3-1920 (b) 12-11-1958 (c) 16-3-1970 (d) 16-3-1978	1946	17-6-52	20-9-73	Additional Chief Engineer, Canals, I.B.H.O., Chandigarh
7	7	I.C. Gupta (M)	..	P	(a) 22-8-1922 (b) 1-10-1959 (c) 21-8-1972 (d) 21-8-1980	1946	20-5-52	29-8-73	Chief Engineer, Beas Sutlej Link Project, Sundernagar
8	8	A.N. Malhotra	..	P	(a) 1-3-1924 (b) 15-11-1959 (c) 28-2-74 (d) 28-2-82	1946	26-8-52	29-8-73	Additional Chief Engineer, Project-II, I.B.H.O., Chandigarh
9	9	Jagman Singh (M)	..	P	(a) 10-11-24 (b) 1-3-1960 (c) 9-11-74 (d) 9-11-1982	1946	10-3-53	29-8-73	Managing Director, M.I.T.C., Haryana, Chandigarh
10	10	Ram Kishan Chaudhary	..	P	(a) 5-10-1924 (b) 1-3-1960 (c) 4-10-74 (d) 4-10-82	1946	6-7-54	3-5-67	S.E., B.M.B., Nangal
11	11	H.C. Dhawan	..	P	(a) 16-7-25 (b) 1-3-60 (c) 15-7-75 (d) 15-7-83	1946	10-3-53	20-12-67	S.E. (MITC), Chandigarh
12	12	V.K. Yashroy	..	P	(a) 13-10-1925 (b) 1-3-1960 (c) 12-10-1975 (d) 12-10-1983	1946	17-3-53	1-6-68	Vigilance Officer (Vigilance Cell), Irrigation Department, Chandigarh
13	13	D.V. Gulati	..	P	(a) 23-2-1925 (b) 1-3-1960 (c) 22-2-1975 (d) 22-2-1983	1946	25-12-54	1-6-68	S.E., Western Jamuna Canal (West) Circle, Rohtak
14	K.K. Jaggia	..	P	(a) 12-10-1926 (b) 1-3-1960 (c) 11-10-1976 (d) 11-10-1984	1946	7-11-55	1-6-68	S.E., Beas Project, Talwara	
15	15	K.K. Lakhanpal	..	P	(a) 31-10-1922 (b) 1-3-1960 (c) 30-10-1972 (d) 30-10-1980	1946	9-11-55	10-12-68	S.E., Beas Sutlej Link Project, Sunder Nagar

Note.— 1. DR denotes Direct Recruitment.

2. P denotes promoted from Class II.

3. (M) denotes Mechanical.

1	2	3	4	5	6	7	8	9
<i>Sarvshri—</i>								
16	16	R. N. Pandit	P	(a) 1-1-1927 (b) 1-3-1960 (c) 31-12-1976 (d) 31-12-1984	1946	11-9-57	22-8-69	S.E., Under Suspension (Reinstated on 9th January, 1976)
17	17	B.S. Nat	P	(a) 1-8-1927 (b) 1-3-1960 (c) 31-7-1977 (d) 31-7-1985	1946	16-12-55	21-8-69	S.E., Planning (MITC), Chandigarh
18	18	O.P. Datta	P	(a) 30-6-1928 (b) 1-3-1960 (c) 29-6-1978 (d) 29-6-1986	1946	9-12-53	21-6-69	S.E., Beas Design Organisa- tion, Nangal
19	19	Mandan Pal Singh (M)	P	(a) 16-3-1918 (b) 1-3-1960 (c) 15-3-1968 (d) 15-3-1976	1946	9-1-57	7-3-70	S.E., P.W.D., B. & R., Karnal
20	20	D.D. Taneja	P	(a) 1-1-1928 (b) 1-3-1960 (c) 31-12-1977 (d) 31-12-1985	1946	4-1-1957	5-3-70	S.E., Planning, I.B. H.O., Chandigarh
21	21	R.S. Mehra (M)	P	(a) 4-9-1926 (b) 1-3-1960 (c) 3-9-1976 (d) 3-9-1984	1946	3-3-57	1-6-70	S.E., Indira Gandhi Canal Circle, Rohtak
22	22	K.B. Vig	DR	(a) 16-9-1928 (b) 1-12-1956 (c) 15-9-1978 (d) 15-9-1986	1956	11-11-57	28-7-70	S.E., Beas Project, Talwara
23	23	S.P. Gupta	DR	(a) 24-10-1933 (b) 15-1-1957 (c) 23-10-1983 (d) 23-10-1991	1956	6-4-61	12-2-71	S.E., Central Water & Power Commission, Delhi
24	24	B.C. Malhotra	DR	(a) 20-4-1930 (b) 30-11-1956 (c) 19-4-1980 (d) 19-4-1988	1956	4-11-57	5-6-71	S.E., W.J.C. Feeder, Gurgaon Canal Circle, Delhi (H.Q. Delhi)
25	25	P.N. Kapoor	P	(a) 23-8-1920 (b) 1-3-1960 (c) 22-8-1970 (d) 22-8-1978	1956	13-4-57	6-6-71	S.E., Drainage Circle, Karnal
26	26	G.P. Malhotra	P	(a) 1-4-1929 (b) 1-3-1960 (c) 31-3-1979 (d) 31-3-1987	1956	11-11-57	29-6-71	S.E., B.N. Chakravarti Circle No. II, Hissar
27	27	B.P. Mittal	P	(a) 28-11-1928 (b) 28-1-1961 (c) 27-11-1978 (d) 27-11-1986	1956	8-1-57	18-8-71	S.E., Beas Satluj Link, Sunder Nagar
28	28	Vir Amar Parkash	P	(a) 20-3-1930 (b) 15-6-1961 (c) 19-3-1980 (d) 19-3-1988	1956	7-1-57	1-10-71	S.E. (MITC) Circle, Karnal
29	29	A.L. Kalra	P	(a) 18-6-1926 (b) 2-8-1961 (c) 17-6-1976 (d) 17-6-1984	1956	7-1-57	14-8-73	S.E. (MITC), Hissar

Note.— (1) DR denotes Direct Recruitment.

(2) P denotes Promoted from Class II.

(3) (M) denotes Mechanical.

1	2	3	4	5	6	7	8	9	10
30	30	<i>Sarveshri—</i> A.M. Singla	..	P	(a) 29-11-1928 (b) 2-8-1961 (c) 28-11-1978 (d) 28-11-1986	1956	28-4-58	29-10-71	S.E., Pt. Jawahar Lal Nehru Canal Circle No. II, Rohtak
31	31	S.K. Barman	..	P	(a) 1-11-1922 (b) 18-8-1961 (c) 31-10-1972 (d) 31-10-1980	1956	28-4-58	22-10-71	S.E., Bhiwani Irrigation Circle, Bhiwani
32	32	K.S. Puri		P	(a) 9-5-1927 (b) 1-1-1965 (c) 8-5-1977 (d) 8-5-1985	1956	28-6-58	28-6-58	Xen/Betterment Levy Works /BHO, Chandigarh
33	33	A.R. Sethi	..	P	(a) 30-1-1930 (b) 1-1-1965 (c) 29-1-1980 (d) 29-1-1988	1956	8-7-58	27-1-72	S.E., Pt. Jawahar Lal Nehru Canal, Circle No. I, Rohtak
34	34	J.C. Verma	..	P	(a) 1-10-1928 (b) 1-1-1965 (c) 30-9-1978 (d) 30-9-1986	1956	17-7-58	27-1-72	S.E., Hissar Bhakra Canal Circle, Hissar
35	35	D.R. Khatarpal		P	(a) 15-7-1928 (b) 1-1-1965 (c) 14-7-1978 (d) 14-7-1986	1956	16-4-59	27-1-72	S.E., (MITC), T/Well Circle No. 1, Delhi
36	36	A.N. Gupta	..	P	(a) 13-6-1930 (b) 1-1-1965 (c) 12-6-1980 (d) 12-6-1988	1956	13-4-59	27-1-72	S.E., W.J.C. East Circle, Delhi
37	37	G.P. Gupta		P	(a) 3-1-1928 (b) 1-1-1965 (c) 2-1-1978 (d) 2-1-1986	1956	23-5-59	13-11-72	S.E. (MITC), Lining Circle, Rohtak
38	38	G.L. Rampal	..	P	(a) 11-1-1927 (b) 1-1-1965 (c) 10-1-1977 (d) 10-1-1985	1956	25-5-59	13-11-72	S.E., Project and Design Circle, Chandigarh
39	39	A.K. Malhotra	..	P	(a) 6-9-1929 (b) 1-1-1965 (c) 5-9-1979 (d) 5-9-1987	1956	6-6-1959	13-11-72	S.E. (MITC), Karnal
40	40	O.P. Sikri	.	P	(a) 29-3-30 (b) 1-1-1965 (c) 28-3-1980 (d) 28-3-1988	1956	1-6-59	14-8-73	S.E., Munak Canal Circle, Karnal
41	41	H. C. Dhingra (M)		P	(a) 3-10-1929 (b) 1-1-1965 (c) 2-10-1979 (d) 2-10-1987	1956	9-6-59	30-10-73	S.E., (MITC) Design, Chandigarh
42	42	B.L. Thukral		P	(a) 1-4-1930 (b) 1-1-1965 (c) 31-3-1980 (d) 31-3-1988	1956	11-6-59	26-9-73	S.E. (MITC) Lining Circle, Sirsa
43	43	S.C. Dhada (M)]	P	(a) 1-2-1928 (b) 1-1-1965 (c) 31-1-1978 (d) 31-1-1986	1956	15-6-59	27-8-73	S.E. (MITC), T/Well Circle No. 6, Ambala
44	44	J.D. Gera (M)	..	P	(a) 2-2-1925 (b) 1-1-1965 (c) 1-2-1975 (d) 1-2-1983	1956	6-5-60	13-8-73	S.E. (MITC), T/Well Circle No. 4, Karnal

Note.— (1) D denotes Direct Recruitment.

(2) P denotes Promoted from Class II.

(3) (M) denotes Mechanical.

1	2	3	4	5	6	7	8	9	10
45	45	Sarvshri— A. K. Jain (M)	P	(a) 19-7-26 (b) 1-1-65 (c) 18-7-76 (d) 18-7-84	1956	2-5-60	16-8-73	SE (Under suspension). (Reinstated on 9th January, 1976)	
46	46	D. D. Parbhakar (M)	P	(a) 17-1-29 (b) 1-1-65 (c) 1-1-79 (d) 16-1-87	1956	3-5-60	20-8-73	Expired	
47	47	G. R. Jain (M)	P	(a) 15-12-29 (b) 1-1-65 (c) 14-12-79 (d) 14-12-87	1956	20-9-60	31-10-75	SE, ABC Circle, Ambala	
48	48	V. P. Bedi	P	(a) 21-11-28 (b) 1-1-65 (c) 20-11-78 (d) 20-11-86	1956	20-9-60	31-10-75	SE, Construction Circle, Delhi	
49	49	Jatindera Mittal (M)	P	(a) 21-12-27 (b) 1-1-65 (c) 20-12-77 (d) 20-12-85	1956	14-1-61	31-10-75	SE, Bhiwani Development Circle, Bhiwani	
50	50	Y. R. Kalra (M)	P	(a) 27-9-30 (b) 1-1-65 (c) 26-9-80 (d) 26-9-88	1956	20-1-61	31-10-75	S. E., SYL Circle, Ambala	
51	51	S. D. Kalra	P	(a) 25-9-27 (b) 1-1-65 (c) 24-9-77 (d) 24-9-85	1956	23-9-60	23-9-60	Project Engineer, Sirsa Lining Circle (MITC), Sirsa	
52	52	R. D. Malik	P	(a) 18-1-21 (b) 1-1-65 (c) 17-1-71 (d) 1-1-79	1956	13-1-61	13-1-61	XEN, MITC Tubewell Division No. I, Karnal	
53	53	O. D. Harnal	P	(a) 23-8-22 (b) 1-1-65 (c) 22-8-72 (d) 22-8-80	1956	14-11-63	14-11-63	XEN, Beas, Sutlej Link, Sundernagar	
54	54	S. P. Chopra	P	(a) 15-4-29 (b) 10-2-66 (c) 4-4-79 (d) 4-4-87	1956	16-1-61	16-1-61	XEN, Plant Design, Dte., B.S.L. Project, Sundernagar	
55	55	P. S. Rao	P	(a) 16-9-30 (b) 15-8-66 (c) 15-9-80 (d) 15-9-88	1956	6-4-61	6-4-61	XEN, B. M. B. Nangal	
56	56	D. R. Aggarwal	P	(a) 1-2-28 (b) 1-1-67 (c) 31-1-78 (d) 31-1-86	1956	21-4-61	21-4-61	XEN, Floods IBHO, Chandigarh	
57	57	H. P. Aggarwal	P	(a) 21-2-25 (b) 1-1-67 (c) 20-2-75 (d) 20-2-83	1956	12-4-61	12-4-61	XEN, Concreting Division, Talwara Township	
58	58	Yoginder Parkash	P	(a) 15-5-28 (b) 1-1-67 (c) 14-5-78 (d) 14-5-86	1956	10-4-61	10-4-61	XEN, Beas-Sutlej Link, Sundernagar	
59	59	Chaman Lal	P	(a) 1-9-24 (b) 1-1-67 (c) 31-8-74 (d) 31-8-82	1956	7-4-61	7-4-61	XEN, Ground Water Cell, IBHO, Chandigarh	

1	2	3	4	5	6	7	8	9	10
60	60	H. K. Khosla	P	(a) 16-9-31 (b) 1-1-67 (c) 15-9-81 (d) 15-9-89	1956	30-4-61	30-4-61	XEN Canals IBHO, Chandigarh	
61	61	N. K. Azora	P	(a) 1-5-31 (b) 1-1-67 (c) 30-4-81 (d) 30-4-89	1956	15-5-61	15-5-61	XEN, Talwara Embank- ment Division, Talwara Township	
62	62	P. S. Virk	P	(a) 15-10-31 (b) 1-1-67 (c) 14-10-81 (d) 14-10-89	1956	26-6-61	26-6-61	Expired	
63	63	H. M. Gandhi	P	(a) 5-5-30 (b) 1-1-67 (c) 4-5-80 (d) 4-5-88	1956	26-6-61	26-6-61	XEN, Faridabad Division, Faridabad	
64	64	M. L. Aggarwal	P	(a) 5-6-30 (b) 1-1-67 (c) 4-6-80 (d) 4-6-88	1956	26-6-61	2-8-61	Xen, Plant Design, Talwara	
65	65	A. R. Gupta	P	(a) 25-9-30 (b) 1-1-67 (c) 24-9-80 (d) 24-9-88	1956	2-8-61	2-8-61	Xen, Hathin Kund Barrage Division, Yamuna Nagar	
66	66	P. A. Kapoor	P	(a) 3-9-32 (b) 1-1-67 (c) 2-9-82 (d) 2-9-90	1956	2-8-61	2-8-61	Xen, B.M.B., Nangal	
67	67	T. C. Garg	P	(a) 8-8-32 (b) 1-1-67 (c) 7-8-82 (d) 7-8-93	1956	11-9-61	11-9-61	Xen, Beas Design Organi- sation, Nangal	
68	68	A. S. Malhotra	P	(a) 3-8-33 (b) 1-1-67 (c) 2-8-83 (d) 2-8-91	1956	29-11-61	29-11-61	Xen, Pehowa Division, Kaithal	
69	69	R. K. Bhatia	P	(a) 1-10-29 (b) 1-1-67 (c) 30-9-79 (d) 30-9-87	1956	28-6-62	28-6-62	Xen, Rohtak Division, Rohtak	
70	70	S. C. Ahuja	P	(a) 6-3-32 (b) 1-1-67 (c) 5-3-82 (d) 5-3-90	1956	3-8-62	3-8-62	Xen, On Deputation to Govt. of Iraq	
71	71	K. C. Sharma	P	(a) 8-5-32 (b) 1-1-67 (c) 7-5-82 (d) 7-5-90	1956	1-8-62	1-8-62	Xen, Regulation I.B.H.O. Chandigarh	
72	72	R. K. Aggarwal	P	(a) 7-5-28 (b) 1-1-67 (c) 6-5-78 (d) 6-5-86	1956	2-8-62	2-8-62	Xen, Beas Design Organi- sation-Nangal	
73	73	S. D. Narang	P	(a) 4-7-35 (b) 1-1-67 (c) 3-7-85 (d) 3-7-93	1956	4-5-63	4-5-63	Xen, Beas, Sutlej Link, Sunder Nagar	
74	74	O. P. Yamdagni	P	(a) 10-10-27 (b) 1-1-67 (c) 9-10-77 (d) 9-10-85	1956	2-12-63	2-12-63	Xen, Plan and Mechanical Division, Sunder Nagar	

1	2	3	4	5	6	7	8	9	10
75.	75	Manga Ram Sharma	P	(a) 19-3-30 (b) 1-1-67 (c) 18-3-80 (d) 18-3-88	1956	26-11-63	26-11-63	Xen, B.M.B. Nangal	
76.	76	R. K. Kapur	P	(a) 22-1-31 (b) 1-1-67 (c) 21-1-81 (d) 21-1-89	1956	25-11-63	25-11-63	Xen, Satroad Division Rohtak	
77.	77	O. P. Sehgal	P	(a) 14-10-33 (b) 1-1-67 (c) 13-10-83 (d) 13-10-91	1956	9-12-63	9-12-63	Xen, Karnal Drainage Division, Karnal	

Note.—DR denotes Direct Recruitment.
P denotes promoted from Class II.
(M) denotes Mechanical

P.P. CAPRIHAN,

Commissioner and Secretary to Government,
Haryana, Irrigation and Power Department.

LABOUR DEPARTMENT

The 23rd March, 1976

No. 2885-5Lab-76/8236.—In exercise of the powers conferred by section 65 (2) of the Factories Act, 1948 (Act No. 63 of 1948), the Governor of Haryana hereby exempts all the adult workers in M/s Belco Engineers Pvt. Ltd., Sonapat, from the provisions of Sections 51, 52, 54 of the said Act for a period of three months from the date of publication of this notification in the gazette, as the same is required in order to enable the factory to deal with exceptional pressure of work in connection with supply of vehicles against orders received from the Ministry of Defence, Government of India, subject to the following conditions :—

- (1) The workers who may be required to work over time shall in respect of such overtime work be entitled to wages at the rate of twice his ordinary rate of wages in accordance with the provisions of the Factories Act, 1948, and the Rules made thereunder ;
- (2) A proper record of overtime of the workers shall be maintained, as provided under rule 85 of the Punjab Factory Rules, 1952.
- (3) The total number of hours of work in any one day shall not exceed ten as provided under section 64 (4) (i) of the Factories Act, 1948.
- (4) The total number of hours of overtime shall not exceed fifty during the quarter in which exemption is availed as provided under section 64 (4) (iii) of the Factories Act, 1948 ;
- (5) The worker who may be deprived of the weekly holidays as provided in section 52 of the Factories Act, 1948 may be given equal number of compensatory holidays, in lieu of all such weekly holidays so lost, as provided in section 53 of the Factories Act, 1948.

LABOUR AND EMPLOYMENT DEPARTMENTS

The 26th March, 1976

No. 2035-6L-76/7579.—The Governor of Haryana is pleased to constitute the State Committee on Employment for the State of Haryana, consisting of the following members :—

- | | |
|--|--------------------------|
| 1. Minister of Labour and Employment | .. Chairman |
| 2. Commissioner and Secretary to Government, Haryana, Labour and Employment Department | .. Member |
| 3. Chairman, Haryana State Electricity Board, or his representative | .. Member |
| 4. The Postmaster General, Ambala Cantt. | .. Member |
| 5. Director of Employment, Haryana | .. Member and Secretary. |
| 6. Recruiting Officer, Ambala Cantt. | .. Member |

7. Director of Industrial Training, Haryana	.. Member
8. Secretary, Haryana Rajya Sainik Board	.. Member
9. Director, Public Instruction, Haryana	.. Member
10. The Economic and Statistical Advisor to Government, Haryana	.. Member
11. Director, Scheduled Castes and Scheduled Tribes, Haryana	.. Member
12. Ch. Amar Singh, M.L.A.	.. Member
13. Shri R.D. Shastri, INTUC, Sonapat	.. Member
14. Mrs. Kamla Bhargava, Chairman, Improvement Trust, Gurgaon	.. Member
15. Shri Hakumat Rai Shah, M.L.A., Panipat	.. Member
16. S. Bhopinder Singh, Chairman, Haryana Chamber of Commerce and Industries, Yamuna Nagar	.. Member
17. Vice-Chancellor, Kurukshetra University or his representative	.. Member
18. President, Industries Association, Faridabad	.. Member

2. The objects of the committee would be to advise the State Government on problems relating to employment, creation of employment opportunities and the working of the National Employment Service. Its functions would be as follows :—

- (i) to review the employment position and assess employment and un-employment trends and suggest measures for expanding employment opportunities ;
- (ii) to advise on the development of the National Employment Service ;
- (iii) to advise on development of personnel retrenched on the completion of development projects ;
- (iv) to consider special programme relating to educated unemployed ;
- (v) to advise on the development of the Youth Employment Service and Employment Counselling at Employment Exchanges ;
- (vi) to assess the requirements of trained craftsmen and advise the National Council for Training in Vocational Trades.

3. The term of the office of the members of the Committee would be two years provided that Government may reconstitute it at any time.

4. If a member of the Committee fails to attend two consecutive meetings of the Committee without sufficient cause, and without previous intimation to the Chairman, he would be liable to be removed. The members are expected to keep all information of confidential nature secret unless authorised to disclose the same to the public.

5. The meeting of the Committee would be held twice a year.

6. The headquarters of the Committee will be at Chandigarh.

7. The members of the Committee will draw T.A. as under :—

(a) The Legislatures in their ex-officio capacity under the Punjab Legislative Assembly (Allowances of Members Act), 1942 and the Rules made thereunder as applicable at present or as amended hereafter.

(b) Non-Officials other than M.L.As at one 1st Class Railway fare plus incidental allowance and road mileage as admissible to a 1st grade Government employee drawing a pay of Rs. 1,000. The other conditions laid down in the T.A. Rules for Government employees will also apply to journeys performed by non-official members except when otherwise provided.

8. The expenditure on account of T.A. Bills of the members should be paid by the Department concerned *ab initio*. The T.A. bills of the members of the Legislature will, however, continue to be countersigned by the Secretary, Haryana Vidhan Sabha.

9. The Travelling and daily allowance to the non-official (other than M.L.As) will be admissible to the members on the production of a certificate to the effect that no travelling allowance in respect of the journey or daily allowance for the period mentioned in the bill has been or will be claimed by them from any other source.

10. The Travelling Allowance for attending the meetings of the Committees should be allowed to the members from their permanent place of residence to the place of the meeting. If, however, a member attends a meeting from a place other than the place of his permanent residence, T.A. should be allowed to him either from the place of his residence or from where he attends the meeting whichever is less.

11. The entire expenditure involved will be initially incurred under the State Head of Expenditure 287—Labour and Employment—B—Employment and Training—B-1—“Direction and Administration”.

12. The Director of Employment, Haryana, will be controlling officer in respect of non-official members only.

13. The non-official members of the State Committee who reside at the place where meetings of the Committee are held will not be entitled to any T.A./D.A.

This issues with the approval of Finance Department,—vide their U.O. No. 384-1 FD-4-76, dated 23rd February, 1976.

LABOUR DEPARTMENT

The 20th March, 1976

No. 25/6-4Lab-76/8554.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Haryana Pencil Factory, Private Limited, Daultabad Road, Gurgaon :—

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA FARIDABAD

Reference No. 82 of 1975

Between

KUMARI ISHWAR DEVI WORKWOMAN AND THE MANAGEMENT OF M/S HARYANA
PENCIL FACTORY, PRIVATE LIMITED, DAULTABAD ROAD, GURGAON

AWARD

By order No. ID/GG/169-A-74/14203, dated 10th March, 1975, the Governor of Haryana, referred the following dispute between the management of M/s Haryana Pencil Factory, Private Limited, Daultabad Road, Gurgaon and its workwoman Kumari Ishwar Devi to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Kumari Ishwar Devi was justified and in order? If not, to what relief is she entitled?

The parties put in their appearance in response to the usual notices of reference sent to them. Shri Hans Raj Kapoor appearing for the management on 23rd December, 1975, was directed to file his written statement of the notice of demands served on the management by the workwoman, on 17th February, 1976. He however absented himself on that date with the result that the *ex parte* proceedings were taken up against the management and the *ex parte* statement of Ishwar Devi the concerned workwoman was recorded.

Ishwar Devi deposed that she had been employed by the management in the year 1972 on wages of Rs 80 per mensem which were subsequently enhanced to Rs 90 per mensem on account of her good work, and that her services were terminated by the management on 1st October 1974, without assigning any reason and holding an enquiry. She asserted that the order of termination of her services was illegal and that she remained unemployed after the date of termination of her services.

I have no reason to disbelieve the statement of Ishwar Devi the workwoman, particularly when the proceedings against the management are *ex parte* and they have taken no care to defend the demand raised by the workwoman on them leading to this reference. I accordingly relying on the statement of Ishwar Devi hold that the termination of her services with effect from 1st October, 1974, was unjustified and that she is entitled to reinstatement with continuity of services and full back wages from that date. I answer the reference while retaining the award in terms of my findings made above,

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated 19th February, 1976.

No. 292, dated the 23rd February, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 23rd February, 1976

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 2513-4Lab-76/8701.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Faridabad Weaving Factory (P) Ltd., N.I.T., Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 49 of 1971

between

THE WORKMEN AND THE MANAGEMENT OF M/S FARIDABAD WEAVING
FACTORY (P) LTD., N.I.T., FARIDABAD

AWARD

By order No. ID/14541, dated 13th May, 1971, the Governor of Haryana, referred the following dispute between the management of M/s Faridabad Weaving Factory (P) Ltd., N. I. T., Faridabad and its workmen to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether any grades and scales of pay for the workmen should be fixed? If so, with what details and from which date?

The parties put in their appearance in this Tribunal in response to the usual notices of reference sent to them and filed their pleadings.

The workmen alleged that the management were a prosperous concern making a huge profit every year and that the wages paid to them were quite low and that they were given a step-motherly treatment in the matter of working conditions. They thus claimed higher grades and scales of pay in the grade Rs 200—5—215—10—265—15—340—20—440—25—565—35—670.

The management while denying the allegations made by the workmen pleaded that the Kapra Mills Mazdoor Union hereinafter referred to as the Kapra Union which had actually raised the demand leading to the reference had no *locus standi* to do so, inasmuch as none of their workman was a member of that union or had otherwise authorised it to raise and prosecute the dispute. They further pleaded that the reference was barred under a settlement dated 25th October, 1969, entered into between the parties in respect of the subject matter of the reference particularly when the workmen had actually derived benefit thereunder. They averred that they had incurred huge loss in the year 1969-70.

The workmen controverted the plea of the management,—*vide* rejoinder filed by them with the result that the following issues were framed,—*vide* order dated 17th September, 1971:—

- (1) Whether the Kapra Mill Mazdoor Union had no *locus standi* to raise the present dispute? (on management) (objected to)
- (2) Whether the present dispute is barred under an existing settlement dated 25th October, 1969? (on management)
- (3) Whether any grades and scales of pay for the workmen should be fixed? If so, with what details and from which date?

Issue No. 1

The management examined Shri Santosh Kumar, their Manager, who deposed that the workmen employed in their Mills were members of the Textile Mazdoor Union Faridabad, and not of the Kapra Mills Mazdoor Union. This statement remained un rebutted, so much so, the proceedings against the

workmen had to be taken *ex parte* on 13th February, 1976, when they had been called upon to adduce their evidence. No evidence could be led by the workmen to prove that a substantial number of them or some of them were members of the Kapra Mills Mazdoor Union which actually raised the demand. They did not care to prove the authority letter given in favour of Shri Bhagwan Dass in proforma "F" leading to an inference of want of authority of Shri Bhagwan Dass to raise a demand on their behalf. The burden to prove the *locus standi* of the Kapra Mills Mazdoor Union should have been in my opinion placed on the workmen rather than on the management. At any rate, I see no reason to disbelieve the statement of Shri Santosh Kumar referred to above particularly when it stands un rebutted. I accordingly relying on the same decide this issue in favour of the management.

Issue No. 2

Shri Santosh Kumar deposed that their workmen entered into a settlement M. W. 1/1 with them on 25th October, 1969 and that it was signed by their six representatives besides Sarvshri U. M. Jain, H. S. Mertia and himself for the management and that the agreement had been fully implemented by way of increase in the wages of the workmen according to annexure "A" appended to the settlement. He brought on record the statement M. W. 1/3 of the wages actually paid to the workmen in implementation of the settlement. Shri Balram Singh W. W. 2 a clerk of the office of the Labour-cum-Conciliation Officer, Ballabgarh, also admitted that a Settlement Exhibit M. W. 1/1, dated 25th October 1969, had been arrived at under section 18(1) of the Industrial Disputes Act. No evidence in rebuttal could be adduced by the workmen in this connection, so much so, the proceedings had to be taken *ex parte* against them on 13th February, 1976, on account of the absence of their authorised representative on that date, despite a direction to him, —*vide* order dated 19th January, 1976, to adduce his evidence. I thus relying on the statement of Shri Santosh Kumar M. W. 1 duly corroborated by the testimony of Shri Balram Singh Clerk W. W. 2 hold that a settlement Exhibit M. W. 1/1 was arrived at between the workmen duly represented by Textile Mazdoor Union and the management. One of the condition of this settlement being that the workmen shall not raise any demand or dispute having financial implication, excepting bonus, this reference is manifestly barred. I decide the issue in favour of the management.

Issue No. 3

Shri Santosh Kumar brought on record the profit and loss account of the management and the balance-sheets for the years ending 1967, 1968, 1969 Exhibit M. W. 1/4 to Exhibit M. W. 1/16 and gave out that there were 15 Weaving Factories of the same nature situated in the same premises and all the workmen in these factories were being paid wages at the same rate under the Minimum Wages Act.

There is no substantial rebuttal of the oral and documentary evidence led by the management. The only oral statement of Shri Bhagwan Dass that the financial position of the management was very sound and that they were making huge profit cannot be relied upon. Shri Bhagwan Das W. W. 3 admitted that there were 15 units of the same management in the same premises and each one was being paid wages at the rates being paid to them. He admitted that none of the unit other than the unit concerned in this reference had raised the demand in respect of the grades and scales of their workmen. He admitted that whereas each workman was drawing Rs 160 per mensem as his wages at the time of reference, he was now drawing Rs. 290 per mensem.

It would thus appear that the workmen miserably failed either to prove the sound financial position of the management or higher wages of the workmen in other factories situated in the same area entitling them to fixation of grades and scales of pay higher than they were actually getting. I thus decide this issue against the workmen.

In view of my finding on issue Nos. 1, 2 and 3, the workmen are not entitled to any relief. I thus answer the reference while returning the award in terms of the findings made by me.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 20th February, 1976.

No. 2514-4Lab-76/8802.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Escorts Ltd., Plant No. II, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 6 of 1973

between

SHRI RAM DASS WORKMAN AND THE MANAGEMENT OF M/S ESCORTS LTD.,
PLANT NO. II, FARIDABAD

AWARD

By order No. ID/FD/72/507, dated 5th January, 1973, the Governor of Haryana, referred the following dispute between the management of M/s Escorts Ltd., Plant No. II, Faridabad and its workman Shri Ram Dass to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Ram Dass was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in this Tribunal in response to the usual notices of reference sent to them and filed their pleadings.

The workman alleged,—*vide* statement of his claim that he had been employed as a Sweeper since 6th January, 1964 and that his services had been terminated by the management on 11th August, 1970 without assigning any reason and without holding any enquiry. He stated that the management pressed him hard to tender his resignation but he declined to do so. He further stated that he had been bitten by a mad dog and received Anti-rabbic treatment in Gurgaon Civil Hospital.

The management,—*vide* written reply filed by them pleaded that they never terminated the services of the workman and that the latter on the other hand lost his lien on his job in August, 1970 as a result of his continued absence with effect from 27th July, 1970, under the certified standing orders of the company and that he raised a false demand two years after an intimation relating to the loss of his lien on the job had been made to him. They further resisted the claim of the workman on the ground that it did not relate to an industrial dispute and that he failed to serve a notice of demands directly on them before taking the matter to the Conciliation Officer.

The workman reiterated the allegations made by him in the claim statement,—*vide* rejoinder filed by him and controverted the plea of the management. He specifically averred that he received Anti-rabbic treatment immediately before the date of termination of his services and that the management declined to take him on duty on his reporting to them for that purpose after he was discharged from the hospital.

The following issues were thus framed on pleas of the parties,—*vide* order dated 16th July, 1973 of Shri O. P. Sharma, my learned predecessor, the then Presiding Officer of the Industrial Tribunal.

- (1) Whether it is not an industrial dispute for reasons given in para No. 1 of the written statement? (on management)
- (2) Whether the demand the subject-matter of the present reference was first raised on the management and rejected by it before the matter was taken up for conciliation? If not, with what effect?
- (3) Whether it is a case of loss of lien on job by the workman concerned as per the standing orders of the company? If so, with what effect? (on management).
- (4) Whether the claim of the workman suffers from laches? (onus object to) (on management)
- (5) Whether the termination of services of Shri Ram Dass was justified and in order? If not to what relief is he entitled?

I have heard the authorised representative for the parties and seen the record. I decide the issues as under:—

Issue No. 3:

This being a most important issue in this case shall be decided and disposed off by me first.

The management in order to establish their case on this issue examined Shri P. C. Aggarwal their Industrial Relation Officer as M.W. 1 and brought on record documents M-1 to M-8. Shri P. C. Aggarwal fully corroborated the case of the management put forth by them in the written statement that the workman applied for grant of leave from 21st July, 1970 to 4th August, 1970 and that he was sanctioned leave only upto 25th July, 1970 and that 26th July, 1970 being a holiday on account of Sunday, he absented himself with effect from 27th July, 1970 and continued to do so till 25th August, 1970 when he lost his lien on the job under the certified standing orders. He added that on 25th August, 1970 a letter was sent to him intimating him about the loss of his lien. Shri P. C. Aggarwal brought on record a copy of the appointment letter of the workman Ex. M-1 and a copy of the leave application dated 20th July, 1970 made by him Ex. M-2 and copies of the applications made by him subsequently on 8th August, 1970 and 10th August, 1970 each for grant of one day's leave, M-3 and M-4 which were rejected and copies of the relevant extract of the register of attendance of the employees of the management M-5 and M-6 besides a copy of the letter sent to the workman intimating him about the loss of his lien on the job Ex. M-7. All these documents full supported the case of the management and nothing could be brought in cross-examination of Shri P. C. Aggarwal leading me to suspect his evidence. Above all, the plea of the workman in justification of his absence from duty during July and August, 1970 that he received Anti-rabbi treatment during these months in Civil Hospital, Gurgaon stood rebutted by the testimony of Shri Ram Chander Pharmacist, Civil Hospital, Gurgaon examined as M. W. 2 that Shri Ram Dass, son of Chota Lal resident of Dayalpur, aged 22 years received Anti-rabbi Treatment in Civil Hospital, Gurgaon only during the period from 16th March, 1970 to 21st March, 1970 and from 24th March, 1970 to 31st March, 1970 when he was discharged as cured. It would thus appear that the plea put forth by the workman in justification of his absence is entirely false and fabricated leading to a conclusion that he remained wilfully absent from duty during the period from 27th July, 1970 till 25th August, 1970 resulting in loss of lien of his job under the certified standing orders of the company. The oral statement of the workman in support of his plea can not under the circumstances be relied upon. The oral hear say evidence of the witnesses Shri Hira Lal W. W. 1 and Shri Lakhi W. W. 2 that Ram Dass was bitten by a mad dog and that he received Anti-rabbi treatment for about three weeks and that the management declined to take him on duty immediately after he was discharged from the hospital has obviously no meaning. Shri Hira Lal admitted that the leave application was not made by Shri Ram Dass in his presence and that he never accompanied the later to Gurgaon for treatment and that he had made his statement only as per information conveyed to him by Ram Dass. Shri Lakhi gave out that he did not remember the month in which Shri Ram Dass had been bitten by a mad dog. The evidence led by a workman is therefore patently worse than useless and is liable to be rejected as a tissue of lie.

I, therefore, while relying on the evidence oral and documentary led by the management disbelieve the statement of the workman and his witnesses and hold that the workman lost his lien on his job on account of his continued absence from duty during the period from 27th July, 1970 to 25th August, 1970 under the certified standing orders of the company. I decide this issue in favour of the management.

Issue Nos. 1 and 5 :

In view of my finding made on issue No. 3 I hold that the reference made in respect of the termination of services of the workman is illegal. I decide these issues accordingly.

Issue No. 2 :

I for the reasons stated by me in my order dated 10th October, 1975 in reference Shri S. C. Sethi *versus* M/s Kirlosker Oil Engine, Mathura Road, Faridabad, hold that it was no longer necessary for the workman to raise a demand directly on the management and for the later to reject it before the matter was taken to the Conciliation Officer, in order to constitute an industrial dispute. I decide the issue accordingly.

Issue No. 4 :

It was conceded that the demand was raised by the workman on 4th September, 1972 after he had lost his lien on the job on 25th August, 1970. His claim thus suffered from laches which by itself is a circumstances in support of the pleas of the management. I decide this issue in favour of the later.

As a result of the findings made by me on the aforesaid issues I hold that the workman is not entitled to any relief. I answer the reference while returning the award in terms of the findings made by me.

Dated 20th February, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad,

No. 304, dated 26th February, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated, the 26th February, 1976.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 2492-4Lab-76/8804.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Bharat Carbon and Ribbon Manufacturing Company Limited, Industrial Area, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 59 of 1972]

between

SHRI F. C. BHATIA, WORKMAN AND THE MANAGEMENT OF M/S BHARAT CARBON
AND RIBBON MANUFACTURING CO., LTD., INDUSTRIAL AREA, FARIDABAD

AWARD

By order No. ID/FD/72/36333, dated 3rd October, 1972 the Governor of Haryana, referred the following dispute between the management of M/s Bharat Carbon and Ribbon Manufacturing Co., Limited, Industrial Area, Faridabad and its workman Shri F.C. Bhatia, to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri F.C. Bhatia was justified and in order ? If not, to what relief is he entitled ?

The parties put in their appearance in this Tribunal in response to the usual notices of reference sent to them and filed their pleadings.

The workman alleged,—*vide* statement of claim filed by him that he having been appointed as a Stenographer on a consolidated salary of Rs. 375 P.M. by the management with effect from 21st April, 1971. His services were illegally and arbitrarily terminated after completion of the period of probation of one year, with effect from 26th May, 1972.

The management while admitting the employment of the workman with effect from 1st May, 1971 pleaded that they lost confidence in him as a result of his having filed a wrong declaration in respect of the factum of his coverage under E.S.I. and his provident fund number and his avoiding to mention the name and style of his last employer who had dismissed him on 10th October, 1969, and that they thus terminated his services, in simplicitor. They explained that at the time of joining their service the workman filed a wrong declaration that he was not a covered employee under the E.S.I. and that subsequently he was found to be covered employee with M/s Printers House Private Limited under Insurance No. 828837 and that in his biodata supplied by him he suppressed the name and style of M/s Printers House (P) Ltd., his last employer who had dismissed him on 10th October, 1969 and that he intentionally gave a wrong statement in respect of his provident fund number being TN-2039/47 of M/s National Air Products instead of PN-2530/13 of M/s Printers House Private Ltd. They stated that the workman had filed a complaint under section 33-A of the Industrial Disputes Act for his reinstatement with M/s Printers House and that the reference was legally barred.

The workman while admitting the filing of a complaint against the Printers House for his reinstatement under section 33-A of the Act, controverted other pleas of the management,—*vide* rejoinder filed by him while reiterating the allegations made in the statement of claim. The following issues were thus framed on pleas of the parties,—*vide* order, dated 7th February, 1973 :—

- (1) What is the effect of the complaint filed by Shri F.C. Bhatia, Workman concerned under section 33-A of the Industrial Disputes Act, 1947, against his previous employer M/s Printers House (P) Limited, Ballabgarh ? (on management).
- (2) Whether Shri F.C. Bhatia, workman concerned was employed in the present establishment on probation ? If so, with what effect ?

(3) Whether the termination of services of Shri F.C. Bhatia was justified and in order ? If not, to what relief is he entitled ?

I have heard Shri F.C. Bhatia the workman concerned and Shri D.C. Bhardwaj, authorised representative for the management at some length. Shri Bhatia also filed the written arguments from time to time and the same are duly attached with the record. I decide the issues as under :—

Issue No. 1.—The management did not press the plea covered by this issue. Even otherwise, the complaint filed by Shri F.C. Bhatia, workman concerned under section 33-A of the Industrial Disputes Act, against M/s Printers House Private Limited, Ballabgarh, his previous employer, does not in my opinion legally barred the reference under adjudication and no authority could be referred to me by the management in support of their plea that such a reference was bad in law. I thus decide this issue against the management.

Issue No. 2.—In view of the plea of the management that they terminated the services of the workman in simplicitor as a result of their loss of confidence in him the question as to whether his services were terminated during the period of probation or after the expiry of the probation period is not material. The only question required determination under the circumstances would be as to whether the management was justified in terminating the services of the workman in simplicitor and there were sufficient grounds for the action taken up by them or not. In case their order of termination of services of the workman is found to be colourable, with a view to conceal the victimisation of the workman or unfair labour practice, it would be liable to be set aside, irrespective of the fact if the order was made during the probation period or after the expiry of the probation period. In view of the pleas of the parties and the issues framed I however propose to decide this question as under :—

It would be relevant to reproduce *in extenso* clause 3(b) of the certified standing orders of the company as under :—

Clause 3(b).—

"A permanent workman is one who has been in continuous employment of the Company for twelve full calendar months and is declared to be "Permanent Worker" by the Manager on his being satisfied that such worker has rendered satisfactory services. In case however, a workman has completed 13 months service without any orders having been passed regarding his confirmation, he will automatically be deemed as permanent, provided that the Manager may in his discretion declare a workman to be permanent even before the expiry of twelve months."

The management examined Shri G.S. Neerav their Administrative Manager M.W. 5 who deposed that Shri F.C. Bhatia was appointed with effect from 1st May, 1971 and that his services were terminated with immediate effect,—*vide* letter, dated 15/26th May, 1972. He brought on record the copy of the letter of appointment Exhibit M.W. 5/3 and the copy of the order of termination of services of the workman Exhibit M.W. 5/4 in support of his statement, disclosing that the services of the workman were terminated within a period of 13 months of the date of his joining the management. Shri F.C. Bhatia appearing as his own witness deposed that he joined the service of the management with effect from 21st April, 1971 on trial for a week and that he thereafter received his final dues from his previous employer relating to the period of 10 days and that his services were regularised with effect from 1st May, 1971. It would thus appear that even on his own showing, he had been working with M/s Rattan Chand-Harjas Rai during the period from 21st April, 1971 to 30th April, 1971 and his services were regularised with the management with effect from 1st May 1971 as admitted by the latter. He admitted in cross-examination that he resigned his job held by him with M/s Rattan Chand-Harjas Rai on 27th April, 1971. The joining report Exhibit W.W. 2/1 showing his date of joining with the management as 21st April, 1971 is not proved to be authentic and the signatures of some of the officers of the management said to be appended thereupon remained unproved. This document is thus liable to be ignored as unproved requiring no consideration. It cannot, therefore, be said by any stretch of imagination that he joined the service of the management before 1st May, 1971. The period of his services at the time of the termination of his services was at any rate less than 13 months and he could not be said to have become permanent under the certified standing orders reproduced above. I thus for all the aforesaid reasons decide this issue in favour of the management with a finding that the services of the workman were terminated during the period of his probation.

Issue No. 3.—The only question requiring determination under this issue is with regard to the bona fides or otherwise of the management in terminating the services of the workman in simplicitor. In case the order of management in terminating the services of the workman is found to be colourable, made formally with an intention to victimise him, it has to be set aside and the Industrial Tribunal has ample power and jurisdiction to X-Ray such an order in order to judge its real nature.

The management in order to establish justification of the impugned order examined Ramesh Chand M.W. 1, Shri M. C. Kotch M. W. 2, Shri R. R. Rallon M. W. 3, Shri H. L. Kapoor M. W. 4, and Shri J. S. Neerav M. W. 5. It has thus become necessary to state and appraise their evidence.

Shri Ramesh Chand a lower Division clerk of the Employees State Insurance Corporation, Faridabad, hereinafter referred to as the Corporation filed a copy Exhibit M. W. 1/1 of the declaration form given by Shri F.C. Bhatia during his employment with M/s National Air Products, Mathura Road, Faridabad and copy Exhibit M. W. 1/2 of another declaration made by him during his employment with the management of M/s Bharat Carbon and Ribbon Mfg. Co. Ltd., Faridabad. He brought the originals with him from his office and deposed that Shri Bhatia could not avail of any medical benefit on the basis of the numbers allotted to him,—vide M.W. 1/1 after he had been allotted a number,—vide Exhibit M. W. 1/2 and the medical certificate Exhibit M.W. 1/3 to M.W. 1/5 relating to the numbers allotted to him,—vide Exhibit M.W. 1/1 were filed by him during the period of his employment with M/s Bharat Carbon and Ribbon Mfg. Co. Ltd., after he had been allotted new numbers,—vide Exhibit M.W. 1/2 and that he had thus cheated the E.S.I. and the management. He denied the suggestion of Shri Bhatia having made an application that the second number had been allotted to him on a forged declaration.

Shri H.C. Katoch, Stenographer M/s. National Air Products, examined as M.W. 2 deposed that Shri Bhatia remained in the employment of National Air Products during the period from 29th December, 1965 to 5th August, 1967 and that his E.S.I. number was 828837 and his Provident Fund Number was PN/2039/47. Shri R. R. Rallon, Manager M/s Printers House (P) Ltd., examined as M.W. 3 gave out that Shri Bhatia was in their service from 24th November, 1967 to 10th October, 1969 and that his E.S.I. Number in their concern was 828837 and his Provident Fund Account Number as noted in their register was PN/2530/13. He added that in his employment proposal from Exhibit M.W. 3/2, he did not mention the provident fund account number of M/s National Air Products where he was last employed.

Shri J. S. Neerav, Administrative Manager of the management concerned corroborated the case of the management while stating that Shri Bhatia gave a declaration at the time of his appointment that he was not covered under the E.S.I. and that later on it was discovered otherwise inas much as he was found to be a covered employee with M/s Printers House with number 828837 allotted to him. He specifically gave out that Shri Bhatia omitted to mention the fact of his previous employment with M/s Printers House where from he had been dismissed with effect from 10th October, 1969. He continued to say that Shri Bhatia was allotted a fresh E.S.I. number 18711002 after his employment with them as a result of his failure to mention his previous number 828837 and he as such continued to hold two numbers illegally. He thus explained that as a result of intentional suppression of material facts by Shri Bhatia dishonestly in order to make wrongful gain and conceal the factum of his dismissal from M/s Printers House, the management lost confidence in him and terminated his services in simplicitor. He tendered in evidence the copies Exhibit M.W. 5/1 to M.W. 5/11 in support of his statement.

This is all the relevant evidence brought by the management on record. The statement of Shri H.L. Kapoor M.W. 4 time-keeper M/s Jatindra Steel Tubes Ltd., with whom the workman sought employment after the termination of his services by the management concerned, relating to his conduct in the subsequent management, is obviously irrelevant and needs no consideration. I have carefully gone through the statement of the witnesses examined by the management and do not find anything in cross examination of any of them justifying a conclusion of the statement being incredible. The case of the management on the other hand is found to be amply corroborated by the testimony of Shri Ramesh Chander an Official witness made by him with reference to official records. Shri H.C. Katoch and Shri R.R. Rallon, none of whom had a motive to dispose falsely against the workman or to harm him in any way. Even the testimony of Shri J.S. Neerav could not be successfully assailed by the workman and I see no reason to disbelieve even his statement particularly when it is corroborated by documentary evidence and the statements of the other witness. The solitary statement of the workman suggesting that the Bio data attached by him with his application for employment with the management had been changed by the later, in absence of any motive on their part to do so does not seem to be credible and can not as such be relied upon. I am thus satisfied on consideration of the evidence led by the parties that the workman supplied wrong data in respect of his previous employment, E.S.I. Number and provident fund number, intentionally to the management concerned with a disintention to make wrongful gain and they were fully justified in terminating his services in simplicitor as a result of loss of confidence in him on that ground. It may be appropriate to state that user of two E.S.I. numbers by a workman one allotted to him in the previous employment and the other allotted to him in the subsequent employment entitles him to refund of his contribution made towards the subsequent number despite his taking full advantage of the medical facilities,—vide the previous number during the period of his subsequent employment. Shri F.C. Bhatia in the instant case actually acted dishonestly in using two E.S.I. numbers and is thus not entitled to any relief. I thus decide this issue in favour of the management.

I accordingly answer the reference while returning the award in terms of findings made by me above.

Dated the 2nd March, 1976.

MOHAN LAL JAIN,
Presiding Officer;
Industrial Tribunal, Haryana.
Faridabad.

The 30th/31st March, 1976

No. 2525-4Lab-76/8806.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Plasser and Theurer Railway Machinery Manufacturers, 13th Mile Stone, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 4 of 1975

between

SHRI M. L. SHARMA, WORKMAN AND THE MANAGEMENT OF M/S PLASSER AND THEURER
RAILWAY MACHINERY MANUFACTURERS, 13TH MILE STONE, FARIDABAD

AWARD

By order No. 1D/FD/74/41197, dated 30th December, 1974, the Governor of Haryana, referred the following dispute between the management of M/s Plessier and Theurer Railway Machinery Manufacturers, 13th Mile Stone, Faridabad and its workman Shri M. L. Sharma to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 :—

Whether the dismissal of Shri M. L. Sharma was justified and in order ? If not, to what relief is he entitled ?

The parties put in their appearance in this Tribunal in response to the usual notices of reference sent to them filed their pleadings.

Shri M. L. Sharma, the workman, concerned, alleged,—*vide* statement of claim filed] by him that he had been in service of the management since 3rd November, 1969 as a time keeper and that his services had been terminated illegally and arbitrarily by the management,—*vide* letter, dated 11th December, 1973 posted on 20th December, 1973 and received by him on 1st January, 1974, without assigning any reason and holding an enquiry. He stated that his record of service had throughout been clean and that he never gave any cause of complaint to the management.

The management while admitting the employment of the workman since 3rd November, 1969, pleaded that he had committed some acts of breach of trust resulting in their loss of confidence in him and they as such terminated his services, “in simplicitor” on that ground under sub-clause (d) of clause 19 of their certified standing orders. They explained,

- (a) that the workman stretched his work beyond his duties hours with an intention to claim extra payment at double rate of the overtime put in] by him, despite repeated instructions to him not to do so ;
- (b) that Shri M. L. Sharma dishonestly charged Rs 6 twice from the management for carrying and bringing one consignment of three cylinders of Gas from M/s National Air Products, Faridabad on 23rd May, 1974, first in the name of Shri Dharam Pal and then in the name of Shri Chandan Singh,—*vide* two separate vouchers processed by him;
- (c) that Shri Sharma on 17th April, 1974 distributed “prashad” once but wilfully and fraudulently charged its cost of Rs 5 twice ;
- (d) that Shri Sharma prepared a faked voucher in the name of one Shri Abbal Singh showing payment to him of a sum of Rs 110, which had already been made to him, for loading and unloading and cartage ;
- (e) that Shri Sharma mis-informed the management that the provident fund account and E.S.I. account of their employees were upto date and that on inspection the same were found to be incomplete and that they had as such to pay damages for the default of the workman.

The management further resisted the reference on the ground that the workman failed to raise a demand on them directly before taking the matter to the Conciliation Officer and as such no industrial dispute existed between the parties and the reference was bad in law.

The workman controverted the pleas of the management,—*vide* rejoinder filed by him and averred that the plea of termination of his services in simplicitor was legally not available to the management. The following issues were thus framed on pleas of the parties,—*vide* order, dated 7th March, 1975 :—

- (1) Whether the demand the subject matter of the present reference was first raised on the management before taking up the matter for conciliation ? If not, with what effect ?
- (2) Whether the dismissal of Shri M. L. Sharma was justified and in order ? If not, to what relief is he entitled ?

I have heard the learned authorised representatives for the parties on the issues framed with reference to the evidence led by them. I decide the issues as under :—

Issue No. 1.

For the reason stated by me in detail in my order dated 10th October, 1975, in reference titled *S. C. Sethi versus Kirlosker Oil Engine*, Mathura Road, Faridabad, I hold that it was no longer necessary for the workman to serve a notice of demands directly on the management and for the later to reject it before the matter was taken to the Conciliation Officer, in order to constitute an industrial dispute. I further hold that the reference made to this Tribunal is thus valid and legal in all respects. I decide this issue accordingly.

Issue No. 2.

The management in order to prove this issue examined Shri Y. N. Singh, their Works Manager as M.W. 1. He deposed that Shri M. L. Sharma, worked as Time Keeper under him and that he had to deal with wages, petty cash, provident fund and E. S. I. matters. He added that Shri Sharma put in overtime work while straching his normal duty hours, intentionally, to get more money from the management. He produced a statement Ex. M-5 showing the number of hours claimed by Shri Sharma as overtime. He further corroborated the case put forth by the management and supported his statement,—*vide* copies of vouchers M-6 and M-7 relating to the payment made by Shri Sharma twice for carriage of three Gas Cylinders; copies of vouchers M-8 and M-9, for the payment by Shri Sharma of the cost of Prashad distributed on Tuesday twice; copies of vouchers M-10 and M-11 relating to the payment to Shri Abbal Singh of a sum of Rs 110 and the copy of faked voucher Ex. M-12 prepared by him subsequently relating to the same payment dishonestly. He brought with him the original vouchers prepared by Shri Sharma and gave out that the workman concerned got the payment of vouchers M-6 passed once from him and for the second time,—*vide* voucher M-7 from the Chief Engineer Mr. Hefstodde and that he similarly got the voucher M-8 and M-9 passed from him on different dates for the same payment and that he tried to get passed faked voucher M-12 from him relating to the payment of Rs 110 which had already been made to Shri Abbal Singh,—*vide* vouchers M-10 and M-11 and that he was detected before voucher M-12, could actually be passed. He continued to say that he misinformed him that the provident fund and the E. S. I. account of the employees were up-to-date and that on inspection of the same by the concerned officer, these were found to be incomplete and that the management received in this connection from the office concerned complaints, copies whereof were Ex. M-14 to M-17 and that they had to pay the fine. He concluded by saying that as a result of the aforesaid lapses made by Shri Sharma he lost confidence in him and terminated his services in simplicitor as per clause 19(d) of the Certified Standing Orders of the company, copy Ex. M-4.

Nothing material could be brought out in cross examination of the witness examined by the management leading me to suspect his testimony, so much so, he was not cross examined regarding voucher M-10, M-11 and M-12, leading to a presumption that the workman had no explanation to make in respect of allegation of the management relating to these vouchers. The workman went to the extent of deposing that there were no certified standing orders of the company. He admitted that he prepared originals of vouchers M-6 and M-7 relating to the same transaction. He however explained that he prepared these vouchers according to the information given to him by the Storeman. He further explained that some time Prashad used to distribute twice on Tuesday, once on account of Tuesday and for the second time on account of some auspicious occasions. The explanation given by Shri Sharma is obviously insufficient and cannot be relied upon. He did not examine Storeman who arrording to him gave information relating to vouchers M-6 and M-7. He did not specify the auspicious occasion for which Prashad had to be distributed twice on the same day. The explanations tendered by Shri Sharma are thus in my opinion faked and fabricated put forth only to meet the case of the management. I am thus convinced of the correctness of the pleas of the management and the truth of the statement of Shri Y. N. Singh duly corroborated by the documents M-1 to M-17 and falsity of that of the workman.

I thus hold that the reasons for loss of confidence of the management in the workman were justified and the action taken by them cannot in any way be said to be mala fide, amounting to unfair labour practice or victimisation of the workman and the later is not entitled to any relief.

I in the result decide this issue in favour of the management and answer the reference while returning the award in terms of findings made by me.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad,

Dated 24th February, 1976.

No. 302, dated 26th February, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Dated 26th February, 1976.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 2517-4Lab-76/8967.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s National Laboratories, 20 Mathura Road, Faridabad :—

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 199 of 1974

Between.

Shri Har Chand workman and the management of M/s. National Laboratories, 20 Mathura Road,
Faridabad.

AWARD

By order No. ID/FD/74/37672, dated 18th November, 1974, the Governor of Haryana, referred the following dispute between the management of M/s National Laboratories, 20 Mathura Road, Faridabad and its workman Shri Har Chand to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Har Chand was justified and in order If not, to what relief is he entitled ?

Whereas the management put in their appearance through Shri K. P. Aggarwal their authorised representative, in response to the notice of reference sent to them, none appeared for the workman despite service of such notice with the result that the *ex parte* statement of Shri Ishwar Singh A.S.O. of the management, in support of their plea that the claim of the workman had been satisfied,—*vide* settlement Exhibit M-2 and receipt Exhibit M-1, was recorded.

Shri Ishwar Singh deposed that the workman had received a sum of Rs 188.12 on 10th January, 1975, in full and final settlement of all his claim leading to this reference,—*vide* receipt exhibit M-1 duly executed by him in his presence. He also stated that the workman signed the settlement Exhibit M-2 entered into between the parties in his presence while agreeing to receive a sum of Rs 188.12 in full and final settlement of his demand for reinstatement and other claim made by him.

I see no reason to disbelieve the statement of Shri Ishwar Singh an attesting witness of the receipt of Exhibit M-1 and settlement Exhibit M-2, particularly when the proceedings against the workman are *ex parte* and he has not taken care to pursue his demand. I thus relying on the statement of Shri Ishwar Singh hold that the demand leading to this reference of the workman has been fully satisfied and there is now no dispute between the parties requiring adjudication. I answer the reference while returning the award in terms of the finding made by me.

Dated the 16th February, 1976.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 291, dated the 23rd February, 1976

Forwarded to (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 23rd February, 1976.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal Haryana,
Faridabad.